THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No. 2343 of 2003

ORDER:

This writ petition has been filed for issuing writ of *Mandamus* declaring the action of the respondent preventing or restricting construction of the house as per approval plan without giving any notice or violation of Grampanchayat Rules and Regulations and fundamental rights and consequently direct the respondent not to restrict or prevent constructing house of the petitioner as per approved plan without issuing any written orders of such prevention.

This Court while issuing "Rule Nisi" calling for the records, on 07-02-2003, passed interim direction not to interfere with the construction of the petitioner, provided, the construction in question, is in accordance with the approved plan.

The case of the petitioner is that he is the owner of house plot No.9-19 situated at Sidhanthi Street, Shamshabad by part to the extent of total area 353 square yards out of which, 126 square yards were chosen by him for construction of house. Further, the petitioner submitted an application along with house map extension, for which, Grampanchayat in its resolution No.4/97-98 dated 10-06-1997 permitted him for construction of house by issuing necessary certificate vide 56/97-98 dated 20-10-1997 and accordingly he started construction of house, as per the approved plan. However, at the instance of the person, against the petitioner, the Grampanchayat had started interfering with the construction of

the petitioner without issuing any notice. Therefore, the petitioner has chosen to file the present writ petition.

This Court passed interim direction, directing the respondent not to interfere with the construction of the petitioner, provided, the construction in question, is in accordance with the approved plan. The case of the petitioner is that he started the construction in his own plot, after the necessary sanction being made by the Grampanchayat, in accordance with the approved plan.

It is alleged in the affidavit that at the instance of the person against the petitioner, the Grampanchayat has chosen to interfere with the construction, without issuing any notice and thereby sought to cause inconvenience and loss to the petitioner, which made the petitioner to approach this Court seeking redressal to his grievance.

Having regard to the averments made in the petition,
no authority is expected to interfere with the lawful construction being made by any citizen in accordance with the plan approved by the authority. Therefore, this Court rightly, at the admission stage itself, granted interim direction directing the respondent not to interfere with the construction of the petitioner, provided, the construction in question is in accordance with the approved plan.

In view of the interim direction passed by this Court, no further orders are required to be passed in this petition and the interim direction dated
07-02-2003 is made as final order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE G. CHANDRAIAH

Date: 05-07-2006

LSK